



PERSONNEL AND
READYNESS

UNDER SECRETARY OF DEFENSE
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SEP 29 2005

MEMORANDUM FOR SECRETARY OF THE ARMY
SECRETARY OF THE NAVY
ACTING SECRETARY OF THE AIR FORCE

SUBJECT: Allowances for Dependents Evacuated to a Safe Haven Due to Hurricane Katrina or Hurricane Rita

This memorandum provides policy guidance for paying the allowances authorized under section 405a of title 37, United States Code (U.S.C.), as implemented under the Department of Defense Financial Management Regulation (DoD FMR), Volume 9, Chapter 7, and the DoD Joint Federal Travel Regulations (JFTR), Volume 1, Chapter 6, Part B. Specifically, the JFTR, Volume 1, Chapter 6, prescribes evacuation allowances for travel, transportation of household goods and privately owned vehicles, and per diem. Dislocation allowances may also be payable. (See JFTR, Volume 1, Chapter 6, Part B, paragraph U6053 and U6059). The payment of Basic Allowance for Housing (BAH) must be addressed consistent with section 403 of title 37, United States Code, and the DoD FMR, Volume 7A, chapter 26.

The dependents of reserve component members (10 U.S.C. §§ 101, 10101) serving on active duty (including active duty for training) or full-time National Guard duty under section 502(f) of title 32, United States Code, may be authorized evacuation allowances consistent with the FMR and the JFTR if the dependents are ordered by competent authority to evacuate from an area in which their principal residence¹ was located and are temporarily displaced to a designated safe haven or alternate safe haven² due to Hurricane Katrina or Hurricane Rita. However, no evacuation allowance is authorized for a dependent for any period in which the member was not on active duty or full-time National Guard duty. Safe Haven status will be designated and terminated in accordance with the guidance set forth in the JFTR, Volume 1, Chapter 6.

Paragraph U6051-B of the JFTR identifies competent authorities responsible for authorizing or ordering an evacuation of dependents. Such competent authorities may include the National Guard Adjutant General of the state, a unit commander, or the director, head, chief, or supervisor of an organization or office.

¹ For purposes of determining eligibility for evacuation allowances, the principal residence of National Guard or reserve component members called or ordered to active duty or full time National Guard duty shall be considered to be in the vicinity of a duty station.

² As authorized in USD(P&R) memorandum of September 01, 2005, SUBJECT: Alternate Safe Haven Designation—Louisiana, Mississippi, and Alabama, and USD(P&R) memorandum of September 21, 2005, SUBJECT: Alternate Safe Haven Designation—Hurricane Rita



In summary, in order for a dependent to be eligible for evacuation allowances, the following three events must coincide: the date a competent authority authorized or ordered an evacuation or continued safe haven status of dependents already evacuated; the actual evacuation or continued safe haven status of the dependents; and the active duty or full-time National Guard duty status of the member (DoD FMR, Volume 9, Chapter 7, paragraph 070201; JFTR, Volume 1, Chapter 6, Part B, paragraph U6050). Payment of evacuation allowances shall be prospective from the date these events coincide, not retroactive to the date of any single event.

For example, the dependents of National Guard and other reserve component members who resided in an area in which an evacuation was authorized or ordered by any federal or state authority and whose member was subsequently called or ordered to active duty (to include full-time National Guard duty) may be eligible for payment of evacuation allowances under limited circumstances (JFTR, Volume 1, Chapter 6; *see* 10 U.S.C. § 12301(d); 32 U.S.C. § 502(f)). Such dependents may only be eligible for the period the member serves on active duty or full-time National Guard duty if, on or after the date the member was called or ordered to active duty or full-time National Guard duty, a competent authority (JFTR, Volume 1, Chapter 6, paragraph U6051-B) orders or authorizes the evacuation of dependents still in the affected area or continuation of safe haven status for evacuees at a safe haven outside the affected area. A dependent's eligibility is prospective from the date member is ordered or called to active duty or full-time National Guard duty. No payment of an evacuation allowance is authorized unless the member is serving on active duty or full-time National Guard duty.

The dependents of National Guard members who are released from active duty following deployment from a contingency operation and immediately (without a break in service) called to full-time National Guard duty under section 502(f) of title 32, United States Code, remain eligible for continued payment of the evacuation allowances. The dependents of other reserve component members ordered to active duty under an involuntary authority (10 U.S.C. 12302) in support of a contingency operation and whose orders are amended to retain them on active duty under a voluntary order (10 U.S.C. 12301(d)) also remain eligible for continued payment of the evacuation allowances. No allowances are authorized for any period in which there is a break in service (the member is not on active duty or full-time National Guard duty).

This memorandum shall not affect any other pay or allowance entitlement not specifically addressed herein.

If you have any additional questions concerning these allowances, please contact Mr. Tom Bush at (703) 693-8106 or by e-mail at Tom.Bush@osd.mil.



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